

Minutes

**CITY OF BASEHOR
City Council Meeting
November 21, 2005
6:00 p.m.
Basehor City Hall**

Official Presiding: Mayor Chris Garcia

Members Present: Pres. John Bonee, Iris Dysart, Bill Hooker, Keith Sifford,
Terry Thomas

Staff Present: Mary Mogle, Gene Myracle, Joe McAfee, Matt Henderson,
John Thompson

WORK SESSION (6:00 P.M.)

Mayor Garcia called the work session to order at 6:00 p.m. with all members present. The following agenda items were discussed:

- *Miles Excavating*
Re: Wolf Creek Junction

Engineer Matt Henderson reported originally the City of Basehor had required Miles Excavating to install ductile iron pipe, in place of PVC sanitary sewer pipe, in Wolf Creek Industrial Park. He explained the development was to be built on fill dirt and was a major concern to city staff. The developer wants permission to use PVC pipe and dig the ditches deeper to assure stability. City superintendent Gene Myracle expressed his concerns that the pipe would be installed over thirty-feet of fill. City Engineer Joe McAfee noted the City requires ductile iron pipe if the size of the pipe is over 18" in size or deeper than normal. He reminded Council the Technical Specification standards are for "unfilled" ground, not "filled".

Wolf Creek Industrial Park engineer Lance Scott commented the pipe would be below the fill except for one short area by the ditch. Mr. Scott noted his client has offered to install a thicker pipe and compact base of trench if necessary.

The city engineer recommended extending the maintenance bond from two years to ten years. Mr. Scott and project manager Mike Hooper objected to a ten-year bond noting a past developer that experienced water problems was not required to post a ten

year bond. Mayor Garcia commented that other project in question was not built on fill dirt.

Councilmember Dysart questioned Mr. Hooper about a report the City received last December stating the developer was willing to install ductile iron pipe. Mr. Hooper said they never wanted to install the pipe.

Mr. McAfee said he wanted to make it clear to Council that even if they require the developer to install ductile iron pipe, there is no guarantee that problems would not occur later down the road. He cautioned them that repairs on this project would be extensive and expensive and recommended requiring more testing be performed on the ground. He explained he was unable to tell if the soil would be stable based on previous bore testing.

Mr. Scott reported the developer would be willing to provide a five-year maintenance bond on the project. Mr. McAfee recommended having the line televised prior to releasing the bond.

Mr. McAfee was instructed by the Council to draft a maintenance bond contract that would require Miles Excavating to provide a five-year bond with the stipulation that it would not be released until the lines were televised and all necessary repairs were made. Mr. McAfee stated he would have that ready for the December 5th Council meeting.

Mr. Myracle reported the issue regarding the KDHE report was in the process of being corrected. He explained the project engineer had submitted the drawings to KDHE to include the entire drainage basin, not just their project. He advised the Council that KDHE was sending a letter back with requirements for just the Miles Property. Mr. Hooper noted the lift station would be built for future expansion.

- *Jandi Smith, Sunflower Broadband*
Re: Change from SBC telephone services to Sunflower Broadband

Ms. Jandi Smith explained Sunflower Broadbands proposal to the Governing Body noting each telephone line would be charged at \$18.00 per month with applicable taxes. She explained there would not be any installation fees and it would take approximately 7-10 business days to make the transfer once the agreement was signed. Sunflower Broadband does not charge franchise taxes. She also noted if the City signs the agreement before November 30, Sunflower Broadband would donate \$25.00 per line to USD #458.

Councilmember Thomas questioned if the City would loose phone service if the electricity went out. Ms. Smith said that should not have any effect on the system.

REGULAR MEETING (7:00 P.M.)**Roll Call by Mayor Chris Garcia and Pledge of Allegiance.**

Mayor Garcia called the regular meeting to order with all members present to include the city attorney. Pledge of Allegiance was recited. The mayor took this opportunity to welcome Boy Scout Troop 169 to the meeting.

Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.

CONSENT AGENDA:

- a. Approve Minutes of the Council Meeting of:
 1. November 7, 2005 Regular Meeting
 2. November 10, 2005 Special Meeting (24/40 Benefit District)
 3. November 14, 2005 Work Session (matter of record)
- b. Approve Treasurer's Report & Vendor Payments
- c. Approve Investment Recommendations
- d. Approve Calendar of Events

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the Consent Agenda as written. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

CALL TO PUBLIC:

"Members of the public are welcome to use this time to comment about any matter relating to City business that is listed on this Agenda. The comments that are discussed under Call to Public may or may not be acted upon by the Council during this meeting. There is a five-minute time limit." (Please wait to be recognized by the mayor then proceed to the podium, state your name and address.)

a. Sandy Grimes

- Re: 1. Support of Police Chief and Department***
2. Concerns about upkeep and codes at the Villas in Prairie Gardens
3. Present a copy of the book Council approved at the last meeting.
("No Matter What")

Mrs. Grimes showed the City Council a copy of the book "No Matter What" that

was noted in the proclamation they passed at November 7th Council Meeting. She suggested they read the book and return it back to her so she could take it back to the library. She expressed support for the police chief and the need for two patrol officers per shift. And lastly, she noted the owners of the Villas Apartments (160th & Prairie Way) did not show interest in keeping up their property. She felt there were several codes violations and should be addressed by the City. Mayor Garcia suggested she meet with him at a later date to go over her concerns.

b. Miles Excavating.

Re: Wolf Creek Industrial Park

Project Manager Mike Hooper stated he had nothing further to discuss at this time. (Refer to work session)

c. Citizen Comments Regarding Agenda Items

Mayor Garcia asked twice if there was anyone from the audience who wished to speak regarding an agenda item. No one came forward; therefore, he called the public portion of the meeting closed.

SCHEDULED DISCUSSION ITEMS

- a. (no items schedule at this time)

BUSINESS

a. Consider cereal malt beverage license for Casey's Retail Company for year 2006.

Councilmember Hooker noted the letter provided by the police clerk had a typo. He stated the word "of" should be "to".

A motion was made by Councilmember Bonee and seconded by Councilmember Thomas to approve the cereal malt beverage license for Casey's Retail Company for year 2006. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

b. Consider Proclamation proclaiming November 21, 2005 as Hunter Lohr Day

Mayor Garcia read the proclamation aloud.

A motion was made by Councilmember Sifford and seconded by Councilmember Dysart to approve the proclamation proclaiming Monday, November 21, 2005 as Hunter

Lohr Day. Roll call vote was taken with all members voting in favor. Motion passed 5-0.

Mayor Garcia presented Hunter Lohr a copy of the proclamation at this time.

c. Consider Subdivision Improvements Agreement (Sanitary Sewers) for Cedar Falls Subdivision

City attorney John Thompson explained Mr. Wells was not willing to sign the agreement because of some language in the agreement concerning inspections. Mr. Thompson suggested making the following changes to the agreement based on discussions with the city engineer and city superintendent.

Recommended changes are as follows:

Page 2, Section D (3) Change to: The required *inspection* fees have been paid.
Page 3, Section F Remove: and any other inspections

Mr. Wells agreed to sign the agreement once those changes were made.

A motion was made by Councilmember Sifford and seconded by Councilmember Thomas authorizing the mayor to sign the agreement regulating Cedar Falls sanitary sewers with the aforementioned changes as advised by legal counsel. Roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 4-1.

d. Consider repealing Charter Ordinance 15

Mayor Garcia explained the vote taken at the November 10th meeting was not done according to state statute. He noted a charter ordinance must be passed by a super majority (2/3 of the Council) with the mayor casting a vote. He reported he failed to enter a vote.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to pass a charter ordinance repealing Charter Ordinance 15. Roll call vote was taken with all members, including the mayor, voting in favor. Motion passed 6-0.

e. Consider contracting with Sunflower Broadband for telephone services.

A motion was made by Councilmember Sifford and seconded by Councilmember Bonee to approve changing from SBC telephone services to Sunflower Broadband. Discussion followed.

Councilmember Dysart expressed concerns that no franchise fee was being charged and felt that in a year what mechanism was in place to prevent Sunflower Broadband from increasing the fees. Councilmember Thomas stated that could happen with SBC as well. He commented Sunflower Broadband had much better customer service ~~and~~ **than (amended by council motion 12/5/05)** SBC. Councilmember Hooker questioned what the cancellation fees would be from SBC. The city clerk stated Sunflower Broadband estimated the fees to be around \$75.00.

Roll call vote was taken with all members voting in favor. Motion passed 5-0.

f. Consider contracting with Lowenthal Singleton Webb & Wilson for wastewater financial report per KDHE request.

A motion was made by Councilmember Thomas and seconded by Councilmember Sifford to approve the contract with Lowenthal Singleton Webb & Wilson to compile a wastewater financial report as requested by KDHE. Discussion followed.

Councilmember Hooker asked the city clerk if this was a report the city treasurer could provide. She noted the city treasurer had started compiling the report; however, KDHE requested an independent auditing firm perform the report. The city treasurer was in the process of forwarding her data to the auditor.

A roll call vote was taken with all members voting in favor with the exception of Councilmember Hooker. Motion passed 4-1.

MAYOR'S REPORT

Mayor Garcia had nothing to report at this time.

COUNCIL MEMBER REPORTS

Bill Hooker

Councilmember Hooker questioned the city superintendent as to the status of the "street sign survey". Mr. Myracle reported he has a few more intersections to look at and would finalize his survey in the next couple of weeks. Council agreed that the intersection at 156th & Poplar should be addressed immediately. They directed the city superintendent and city attorney to have an ordinance ready for the December 5th Council meeting.

Iris Dysart

Councilmember Dysart questioned the city superintendent as to the status of the pump repairs at 163rd Street lift Station. He noted he has yet to receive the necessary parts but was assured by the vendor they would be delivered and installed next week.

STAFF REPORTS*John Thompson*

Mr. Thompson reported the 24-40 Taxing District map and assessment spreadsheets have been updated and all he was waiting on was a legal description of the taxing district from the city engineer. He reported the next step was to adopt a resolution ordering a public hearing. He anticipated having that resolution, and other necessary documentation, ready for the December 5th meeting.

Mr. Thompson stated he had filed the pleadings regarding the pending 24-40 Taxing District law suit and had a copy of the pleadings on a disk if any Governing Body members wished to review the submitted documents.

EXECUTIVE SESSION

- a. Attorney-Client Privileged Matter*
- b. Personnel*

The city attorney reported he had nothing to report at this time; therefore, there was no executive session held.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilmember Thomas and seconded by Councilmember Sifford to adjourn the November 21, 2005 Council Meeting. Roll call vote was taken with all members voting in favor. Motion passed 5-0. Meeting adjourned at 7:40 p.m. Mayor Garcia announced there would be work session to discuss the final wastewater facility capacity report directly following the regular meeting.

WORK SESSION (7:55 P.M.)

At 7:55 p.m., Mayor Garcia called the work session to order with all members present.

- a. Larkin Group to present final wastewater facility capacity report.*

Clark Thompson, Larkin Group, explained in detail the wastewater facility capacity report. He noted they anticipate the City's population to be approximately 3,300 with the plant having an average daily flow of 330,000 gpd. The plant was designed for 560,000 gpd. Mr. Thompson informed the Council that the next time their permit was due, KDHE would require them to start testing for phosphorus and nitrogen. He informed the Governing Body they did not have the necessary equipment at this time to meet State requirements.

Mr. Thompson estimated an additional \$200,000 was needed for lab equipment, additional UV channel and engineering. He attributed the well-run facility to City staff noting there were no major problems at this time.

Mr. Thompson reported Leavenworth County would like to eliminate all subdivision lagoons in the county and connect to Basehor or Bonner Springs. He explained Bonner Springs was currently working on a wastewater plan that would service the Wolf Creek drainage basin. He recommended the City do a ~~matter~~ **master (amended by Council motion 12/5/05)** service area plan that would include maps showing the entire drainage basin.

Mr. Thompson stated if there were no corrections or additions to the report, he would ask permission to forward the report to KDHE. Mayor Garcia directed Mr. Larkin to prepare the report in final form and noted he would place the matter on the December 5th meeting for Council action.

Item #2. Update on television of certain sanitary sewer lines.

City superintendent Gene Myracle reported televising of 13,500 feet of sanitary sewer lines have been completed and provided the Council with a report of areas of concern. Mr. Myracle noted he lacked approximately 2,200 feet of filming to complete the area he was wanting to televise, but would come back at later time to request Council permission to proceed.

He explained there were 1) six properties in Rickels Subdivision with collapsed connections; 2) significant infiltration coming in eleven locations throughout the area; 3) on Parallel north to creek area have some problems; and 4) on 155th from Parallel north to Crestwood the line is bad. Mr. Myracle expressed concerns about the line on 155th and said he was not sure it would make it through next year and suggested the repair of the line be a priority.

Council directed the city superintendent to prioritize the work and provide an estimated repair cost at the December 5th meeting. Council suggested scheduling a meeting with the affected property owners in Rickel Subdivision to show them the film

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There being no further business to discuss, Mayor Garcia called the work session adjourned. (8:57 p.m.)

Submitted for Council approval with/without additions or corrections this 5th day of December, 2005.



Attest:

Chris Garcia, Mayor

Mary A. Mogle, City Clerk